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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,848	11/17/2000	Thomas J. Perkowski	100-058USA000	9618

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Thomas J. Perkowski, Esq.
Thomas J. Perkowski, Esq., P.C.
Soundview Plaza
1266 East Main Street
Stamford, CT 06902

EXAMINER	
CARLSON, JEFFREY D	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/716,848	PERKOWSKI, THOMAS J.	
	Examiner	Art Unit	
	Jeffrey D. Carlson	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *399-404* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *399-404* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the paper(s) filed 10/4/04.

Claim Objections

2. Claim 399 is objected to because of the following informalities:

- Claim 399 last paragraph, "(ii) or" should be replaced by --(ii) one or -- .
- Claim 399 last paragraph, "so as to enable the consumer" should be replaced by --so as to enable the system-- .

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 401 and 403 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 401, there is no antecedent basis for "said information network".
- Claim 403, it is unclear how an HTML document can be a service image. It could include an image perhaps, but it apparently cannot *be* an image.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 399-404 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern (US6591247) in view of Durst, Jr. et al (US6542933).

Regarding claims 399 and 404, Stern teaches systems and methods for providing networked, in-store kiosks that can be used to deliver product information and advertisements. A centralized server (NMC/NOC 12/20) receives various types of content (ads, information, audio, video, etc) and makes the content available to various stores [fig 1]. Each store has plural kiosk sites 30 including a video screen, keyboard and light pen. The kiosks and servers are connected by way of IP protocol and/or the Internet [4:46-68]. A consumer can scan the UPC barcode of a product at the kiosk and receive advertising and information about the product [6:46-50, 7:14-17, 27-32, 48-50] which provides a positive brand experience. Applicant claims database storage of "USN/SM/SD/URL links" and provides language describing what each acronym stands for, yet no structure is positively claimed other than "links". However, claim 399 subsequently sets forth a "USN-encoded servlet" and functional language indicating that a user-requested USN will launch the display of associated information resource(s). This is taken to positively require indexing/linking/association between the information resource(s) and its USN. The SM/SD/URL portion of the language is not taken to

otherwise positively limit the links. Stern teaches that the central database provides a UPC-indexed database of products that stores the relationship (via the tblUPCmaster table) between the UPC codes and the associated content (ads, information, audio, etc) associated with that product [8:10-25]. Stern teaches that the database provide information and advertising regarding available products, not services. However, Official Notice is taken that Information and Marketing Systems typically deal with products and/or services and it would have been obvious to one of ordinary skill at the time of the invention to have provided the features of Stern with any items for sale, including services. The UPC codes of Stern are taken to be equivalent to applicant's USN in that they both provide an item identifier to be used for database lookups to retrieve and deliver advertising and item information. Regarding the first subsystem, Stern teaches that functionality is provided to input ads/information into the system [6:1-34]. The display of ads and information to the requesting user about the requested item is taken to provide a virtual kiosk that displays advertisements and information which are taken to promote the item. Stern does not teach a servlet and triggering HTML tag. Durst, Jr. et al also teaches a means for a consumer to scan a barcode (at a kiosk [8:1-3]) in order send a request to a centralized server for more information about the item scanned. Durst, Jr. et al teaches that the item identification/barcode is scanned into the a web browser and sent to the server. The server determines where the information file(s) are stored and either redirects/links the user to the URL of such information, or the server retrieves the information and delivers it to the requesting user's web browser [3:15-30, 66-67]. Durst, Jr. et al also teaches that because the barcode or other entered

identifier does not include the URL of the content, that the server may provide the mapping between the UPC/USN/item identifier and the location of the content by way of a JAVA servlet [6:37-60]. It would have been obvious to one of ordinary skill at the time of the invention to have provided such a web-based item request and server delivery mechanism for providing advertising and information about the requested products. Any object in the submission web page (i.e. the well known submit button on a form such as in Durst, Jr. et al FIG 14) is taken to be an HTML tag which triggers the request for ads/information. Any web page displaying any content about the requested item is taken to be a "virtual kiosk." Although any advertisement content is taken to promote the item advertised, therefore providing a promotion, Durst, Jr. et al teaches promotions explicitly which would have been obvious to have included with that of Stern to provide more positive branding. Stern teaches providing ads, audio, video and information about the item. Durst, Jr. et al teaches providing product and other types of information about products. It would have been obvious to one of ordinary skill at the time of the invention to have returned a list of URL links to the user when the product requested is associated with plural content files (ads, promotions, information, warranty, etc), so that the user may choose which content to review.

Regarding claim 400, the systems of Stern and Durst, Jr. et al are taken to at least represent online item catalogs.

Regarding claim 401, Durst, Jr. et al teaches that plural servers may be provided to carry out the invention.

Regarding claim 402, the tags and servlet are automatically created in the proposed system of Stern/Durst, Jr. et al.

Regarding claim 403, the HTML documents (web pages) are taken to at least represent service-related documents.

Response to Arguments

7. Applicant's arguments filed 10/4/04 have been fully considered but they are not persuasive. Applicant has presented entirely new claims and provides minimal arguments. It is pointed out that the proposed combination provides rich-media brand experiences to users via web browsers without needing to send users to the brand's own web site(s).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The examiner will have a new telephone number (571-272-6716) effective April 14, 2005. The examiner's old telephone number (703-308-3402) will remain active until June 14, 2005. Similarly, the telephone number for the examiner's supervisor (Eric Stamber) will change from 703-305-8469 to 571-272-6724.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey D. Carlson
Primary Examiner
Art Unit 3622